

III. REMARKS/ARGUMENTS

A. Status of the Application

Claims 1-4, 6-16, 18-25 and 27-33 are pending. Claims 1, 6, 13, 18, 22, 24 and 27 have been amended. Claims 5, 17, 26 and 34-54 have been cancelled without prejudice or disclaimer. Reconsideration of claims 1-4, 6-16, 18-25 and 27-33 in light of the above amendments and the following remarks is respectfully requested.

B. Affirmation of Election

The election without traverse to prosecute the invention of Group I, namely, claims 1-33 is hereby affirmed.

Claims 34-54 are cancelled herein and Applicants reserve the right to pursue the subject matter of claims 34-54 in one or more divisional applications.

C. Rejection under 35 U.S.C. § 102(b)

Claims 1-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,783,527 to Dobson et al. ("Dobson '527"). As noted above, claims 1, 6, 13, 18, 22, 24 and 27 have been amended and claims 5, 17 and 26 have been cancelled. Therefore, insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As provided in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim...." Therefore, Dobson '527 must disclose all of the elements of claims 1-4, 6-16, 18-25 and 27-33 to sustain the rejection under 35 U.S.C. §102(b). However, Dobson '527 does not meet the standard required by MPEP §2131 because Dobson '527 does not disclose or suggest each and every element of independent claims 1, 13 and 22, or the claims dependent thereon.

Claims 1, 13 and 22 are each drawn to a method of treating a subterranean zone in which a water-based treating fluid composition is introduced into the subterranean zone through a well bore that penetrates the zone. The water-based treating fluid, includes water and a water-soluble strongly delayed polymer breaker composition. The water-soluble strongly delayed polymer breaker composition comprises:

- (a) a hydrogen peroxide source;
- (b) a ferrous ion source; and

(c) a chelating agent.

The water-soluble strongly delayed polymer breaker composition includes a molar excess of the chelating agent relative to the ferrous ion source. According to the methods of claims 1 and 22, the water-based treating fluid also includes a viscosity increasing polymer.

The test for anticipation under 35 U.S.C. §102 is whether a single reference literally reads on a claim. What the reference broadly teaches is not the issue and when there are any differences between the claimed invention and the reference, such differences are sufficient to prevent a rejection under 35 U.S.C. §102. See *Constant v. Advanced Micro-Devices, Inc.*, 7 USPQ2d 1057 (Fed. Cir. 1988). For the foregoing reason alone, Dobson '527 cannot be used to reject any of claims 1-4, 6-16, 18-25 and 27-33 under 35 U.S.C. §102(b).

Specifically, Dobson '527 does not disclose or suggest each and every element of independent claims 1, 13 or 22. In particular, Dobson '527 does not disclose or suggest a method of treating a subterranean zone in which a water-soluble strongly delayed polymer breaker composition which includes a hydrogen peroxide source, a ferrous ion source and a molar excess of a chelating agent with respect to the ferrous ion source is introduced into the subterranean zone.

Instead, and contrary to the methods of claims 1, 13 and 22, Dobson '527 is drawn to well drilling and servicing fluids which deposit a filter cake on the sides of a borehole contacted by the fluids. The fluids are obtained by incorporating a solid peroxide such as alkaline earth metal peroxides, zinc peroxide, and mixtures thereof into the fluids. As disclosed at column 2, lines 59-64 of Dobson '527:

“During use of the fluids the peroxide is incorporated within the filter cake as an integral component thereof. Subsequent contacting of the filter cake with an acidic solution activates the peroxide such that the polymers within the filter cake are degraded or decomposed thereby.”

Accordingly, the methods disclosed in Dobson '527 involve first depositing a filter cake that includes a solid peroxide material on the sides of a borehole and thereafter contacting the filter cake with an acidic solution to activate the peroxide within the filter cake such that the polymers within the filter cake are decomposed.

The methods of Dobson '527 clearly are quite distinct from the methods of claims 1, 13 and 22. Specifically, the methods of claims 1, 13 and 22 do not involve the deposition of a filter

cake. In addition, the methods of claims 1, 13 and 22 utilize a water-soluble hydrogen peroxide source rather than a solid peroxide.

Moreover, the methods of Dobson '527 do not involve a delay of the decomposition of the polymer by a breaker composition. In fact, because Dobson '527 separates the peroxide from the acidic wash solution, Dobson '527 does not need to provide for any delay, much less a strong delay, in the action of the acidic wash solution on the polymer. Indeed, according to Dobson '527 the breaker composition is not delayed at all. For instance, see Column 8, lines 7-8 wherein it is disclosed that the soak solution will contact the filter cake from one-half to ten hours. Accordingly, under some circumstances, it is sufficient for the acidic soak solution of Dobson '527 to contact the filter cake for a matter of only 30 minutes. Quite to the contrary, the claimed methods utilize a "strongly delayed" polymer breaker composition which as noted in paragraph [0004] of the present application, means that the break of the polymer is delayed for a period of more than three hours.

Furthermore, while Dobson '527 discloses that the acidic soak solution may include an activator such as ferrous chloride, Dobson '527 discloses at column 8, lines 47-51, that:

"The amount of activator, if used, is not critical and need only be sufficient to provide the desired rate of reaction. Generally, a metallic cation activator will be present in an amount of about 0.00025% to about 0.0025% by weight of the soak solution."

According to the methods of claims 1, 13 and 22, the water-soluble strongly delayed polymer breaker composition includes a molar excess of a chelating agent relative to a ferrous ion source. As noted in paragraph [0023] of the present application, when the water-soluble strongly delayed polymer breaker composition includes a molar excess of a chelating agent relative to a ferrous ion source, the precipitation of ferric hydroxide is avoided. Contrary to what is alleged in the Office action, column 8, line 52 to column 9, line 3 of Dobson '527 relates to a disclosure of certain water soluble organic hydroxyl compounds but does disclose or suggest a strongly delayed polymer breaker composition that includes a molar excess of a chelating agent relative to a ferrous ion source. Dobson '527 is simply devoid of any disclosure, suggestion or even contemplation of this element of the methods of claims 1, 13 and 22.

Thus, the record is clear that Dobson '527 does not show each and every element of claims 1, 13 and 22 and, therefore, the rejection of claims 1, 13 and 22 under 35 U.S.C. §102(b) over Dobson '527 is improper and should be withdrawn.

Claims 2-4, 6-12, 14-16, 18-21, 23-25 and 27-33 each depend directly or indirectly from one of claims 1, 13 and 22. Thus, the rejection of claims 2-4, 6-12, 14-16, 18-21, 23-25 and 27-33 under 35 U.S.C. §102(b) over Dobson '527 is also improper for at least the same reasons as applied to claims 1, 13 and 22 and should therefore be withdrawn.

In view of the foregoing, Applicants request that the rejection of claims 1-4, 6-16, 18-25 and 27-33 under 35 U.S.C. §102(b) over Dobson '527 be withdrawn

D. Conclusion

Claims 1-4, 6-16, 18-25 and 27-33 are now pending in the present application. In view of the foregoing remarks, allowance of all pending claims is respectfully requested.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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